

Judge Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

| | | |
|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | NO. CR06-5216RBL |
| |) | |
| vs. |) | STIPULATED ORDER |
| |) | CONTINUING DUE DATE |
| MATTHEW PEASLEY, |) | FOR PRE-TRIAL MOTIONS |
| |) | CUTOFF, PRE-TRIAL MOTIONS |
| Defendant. |) | HEARING AND TRIAL DATE |
| |) | |

Before this court is a joint motion for a motion for continuance of the due date of the pre-trial motions which are presently scheduled for May 4, 2006; the pre-trial hearing scheduled for June 7, 2006 and the trial, which is set for June 12, 2006. The defendant requires additional time to prepare his motions, to review discovery, to receive any additional discovery and to prepare for trial.

A continuance is also necessary due to the fact that counsel for the defendant has just received discovery and needs additional time to determine what pre-trial motions should be filed and prepare for trial. Additionally, counsel for the defendant will be out of the country from June 10, 2006 until July 3, 2006.

Assistant United States Attorney, Mark Parrent, has no objection to a continuance and joins in the motion.

Additionally, defendant Peasley is not in custody.

1 Further, the defendant is aware of this motion, has no objection to a
2 continuance, and joins in this motion. Mr. Peasley shall file a waiver of speedy trial.

3 That the court finds, after a consideration of all relevant information
4 (including the affidavit filed by Brett A. Purtzer in support of the motion for a
5 continuance) and the circumstances of this case, that without this continuance the
6 defendant will be prejudiced and the ability to properly prepare for trial would be
7 impaired. Failure to grant a continuance under these circumstances would result in a
8 miscarriage of justice. The ends of justice would best be served by the granting of the
9 motion for continuance to ensure continuity of counsel and adequate trial preparation.
10 The ends of justice outweigh the best interests of the public and the defendant in having
11 the matter brought to trial sooner.

12 For these reasons, the court finds the defendant's motion for continuance
13 should be granted.

14 The motion cut-off date scheduled for May 4, 2006 is VACATED.
15 Motion cut-off shall be RESCHEDULED TO July 21, 2006.

16 The trial brief, proposed jury instructions, witness list, any written
17 stipulations, proposed verdict forms and motions in limine shall be submitted by
18 **September 6, 2006.**

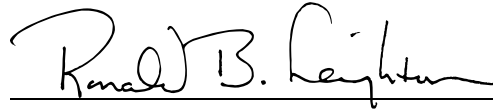
19 The pre-trial motion date scheduled for June 7, 2006 is VACATED. Pre-
20 trial motion hearing, if needed, shall be SCHEDULED FOR **August 11, 2006 at 8:30**
21 **a.m.** in Tacoma, Washington.

22 The trial date scheduled for June 12, 2006 is VACATED. Trial shall be
23 RESCHEDULED TO **September 11, 2006 at 9:00 a.m.** in Tacoma, Washington.

24 The period of delay resulting from this continuance from the current trial
25 date of June 12, 2006, to the new trial date of September 11, 2006, is hereby excluded for
speedy trial purposes under 18 U.S.C. 3161(h)(8)(A) and (B) for purposes of computing

1 the time limitations imposed by the Speedy Trial Act, 18 U.S.C. §§ 3161-3174.

2 IT IS SO ORDERED this 9th day of May, 2006.

3 

4
5 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

6
7 Presented by:

8 LAW OFFICES OF MONTE E.
HESTER, INC., P.S.
9 Attorneys for Matthew Peasley

10 By: _____
11 Brett A. Purtzer

12 Approved by:

13 UNITED STATES ATTORNEY'S OFFICE

14
15 By: _____
16 Mark Parrent
Assistant United States Attorney

CERTIFICATE OF SERVICE

Lee Ann Mathews, hereby certifies under penalty of perjury under the laws of the State of Washington, that on the day set forth below, I delivered true and correct copies of the Order on Motion to Continue Due Date for Pre-trial Motions and Trial Date to which this certificate is attached, e-mail to the following:

United States Attorney's Office – Mark Parrent

United States District Court Clerk's Office

and by U.S. Mail to:

Matthew Peasley, defendant

Signed at Tacoma, Washington this ____ day of May, 2006.

Lee Ann Mathews